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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,563	10/05/2000	Burton A. Hipp	A-69623/DCA/JWC	2083
7590	12/18/2003		EXAMINER	CHANKONG, DOHM
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP Suite 3400 Four Embarcadero Center San Francisco, CA 94111			ART UNIT	PAPER NUMBER
2154				
DATE MAILED: 12/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant No.	Applicant(s)
	09/680,563	HIPP ET AL.
	Examiner	Art Unit
	Dohm Chankong	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) Other: _____

DETAILED ACTION

1. Claims 1 and 2 are presented for examination.

Claim Objections

2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant, all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 2 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claim language in the following claims is not clearly understood:
 - i. as per claim 1, line 7, it is unclear what is meant by "said association and passing said association to a...";
on line 11, it is unclear if "a resource identifier" is supposed to refer to the "resource identifier" of line 9, or a "system resource" of line 9.

ii. as per claim 2, line 18, it is unclear what is meant by "said association and passing said association to a...";

on line 22, it is unclear if "a resource identifier" is supposed to refer to the "resource identifier" of line 20, or a "system resource" of line 20.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2 are rejected under 35 U.S.C 102(b) as being clearly anticipated by U.S Patent No. 5,961,582 to Gaines.

7. Gaines was cited by applicant in IDS #2, filed 2/9/01.

8. As to claim 1, Gaines teaches a method of implementing a virtual layer around a software application in communication with an operating system, the method comprising:

a. registering an application by associating a unique application identifier to the application, and passing said association to a software module that processes transactions between the application and the operating system (column 5, lines 54-64);

- b. allocating a resource identifier when an application requests access to a system resource, said resource identifier returned from the operating system in response to said request (Figure 1, item 122, and column 6, lines 47-55);
- c. translating a resource identifier from a system resource identifier to a virtual resource identifier when the resource identifier is passed from the operating system to the application (column 7, lines 53-60).

9. As to claim 2, Gaines teaches a method of implementing a virtual layer around a software application in communication with an operating system, the method comprising:

- a. registering an application by associating a unique application identifier to the application, and passing said association to a software module that processes transactions between the application and the operating system (column 5, lines 54-64);
- b. allocating a resource identifier when an application requests access to a system resource, said resource identifier returned from the operating system in response to said request (Figure 1, item 122, and column 6, lines 47-55);
- c. translating a resource identifier from a virtual resource identifier to a system resource identifier when the resource identifier is passed from the application to the operating system (column 6, lines 42-46).

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No. 5,109,510 to Baker et al.

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11. As to claim 1, Baker et al teaches a method of implementing a virtual layer around a software application in communication with an operating system, the method comprising:

- a. registering an application by associating a unique application identifier to the application, and passing said association to a software module that processes transactions between the application and the operating system (column 3, 27-32);
- b. allocating a resource identifier when an application requests access to a system resource, said resource identifier returned from the operating system in response to said request (column 6, lines 35-49);
- c. translating a resource identifier from a system resource identifier to a virtual resource identifier when the resource identifier is passed from the operating system to the application (column 6, lines 45-49);

12. As to claim 2, Gaines teaches a method of implementing a virtual layer around a software application in communication with an operating system, the method comprising:

- a. registering an application by associating a unique application identifier to the application, and passing said association to a software module that processes transactions between the application and the operating system (column 3, 27-32);
- b. allocating a resource identifier when an application requests access to a system resource, said resource identifier returned from the operating system in response to said request (column 6, lines 35-49);
- c. translating a resource identifier from a virtual resource identifier to a system resource identifier when the resource identifier is passed from the application to the operating system (Figure 3A, item 112 and column 7, lines 19-22).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to virtual environments:

U.S Patent No. 5,067,072 to Talati et al

U.S Patent No. 5,088,031 to Takasaki et al

U.S Patent No. 5,365,606 to Brocker et al

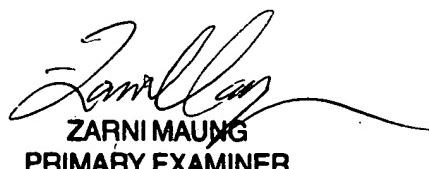
U.S Patent No. 6,108,715 to Leach et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

DC



ZARNI MAUNG
PRIMARY EXAMINER